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8
9 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

10 In the Matter of

11 **JAMI PITTS,**

12 Holder of License No. S016776
For the Practice of Pharmacy
13 In the State of Arizona

Board Case No. 11-0029-PHR

**CONSENT AGREEMENT
AND ORDER OF PROBATION**

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15 In the interest of a prompt and judicious settlement of this case, consistent with the
16 public interest, statutory requirements and the responsibilities of the Arizona State Board
17 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Jami Pitts ("Respondent"),
18 holder of Pharmacist License Number S016776 in the State of Arizona, and the Board
19 enter into the following Recitals, Findings of Fact, Conclusions of Law and Order
20 ("Consent Agreement") as a final disposition of this matter.

21 **RECITALS**

22 1. Respondent has read and understands this Consent Agreement and has had
23 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
24 opportunity to discuss this Consent Agreement with an attorney.
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1 2. Respondent understands that she has a right to a public administrative
2 hearing concerning the above-captioned matter, at which hearing she could present
3 evidence and cross examine witnesses. By entering into this Consent Agreement,
4 Respondent knowingly and voluntarily relinquishes all right to such an administrative
5 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or
6 any other administrative and/or judicial action, concerning the matters set forth herein.

7 3. Respondent affirmatively agrees that this Consent Agreement shall be
8 irrevocable.

9 4. Respondent understands that this Consent Agreement or any part of the
10 agreement may be considered in any future disciplinary action by the Board against her.

11 5. Respondent understands this Consent Agreement deals with Board
12 Complaint No. 3874 involving allegations of conduct in violation of Board statutes
13 against Respondent. The investigation into these allegations against Respondent shall be
14 concluded upon the Board's adoption of this Consent Agreement.

15 6. Respondent understands that this Consent Agreement does not constitute a
16 dismissal or resolution of any other matters currently pending before the Board, if any,
17 and does not constitute any waiver, express or implied, of the Board's statutory authority
18 or jurisdiction regarding any other pending or future investigation, action or proceeding.

19 7. Respondent also understands that acceptance of this Consent Agreement
20 does not preclude any other agency, subdivision, or officer of this State from instituting
21 any other civil or criminal proceedings with respect to the conduct that is the subject of
22 this Consent Agreement.

23 8. Respondent acknowledges and agrees that, upon signing this Consent
24 Agreement and returning this document to the Board's Executive Director, she may not
25 revoke her acceptance of the Consent Agreement or make any modifications to the
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1 document regardless of whether the Consent Agreement has been signed by the
2 Executive Director. Any modification to this original document is ineffective and void
3 unless mutually agreed by the parties in writing.

4 9. This Consent Agreement is subject to the approval of the Board and is
5 effective only when accepted by the Board and signed by the Executive Director. In the
6 event that the Board does not approve this Consent Agreement, it is withdrawn and shall
7 be of no evidentiary value and shall not be relied upon nor introduced in any action by
8 any party, except that the parties agree that should the Board reject this Consent
9 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the
10 Board was prejudiced by its review and discussion of this document or any records
11 relating thereto.

12 10. If a court of competent jurisdiction rules that any part of this Consent
13 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
14 shall remain in full force and effect.

15 11. Respondent understands that this Consent Agreement is a public record that
16 may be publicly disseminated as a formal action of the Board and may be reported as
17 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
18 Protection Data Bank.

19 12. Respondent understands that any violation of this Consent Agreement
20 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
21 1901.01(B)(20), -1927(A)(1).

22 13. Respondent agrees that the Board will adopt the following Findings of Fact,
23 Conclusions of Law and Order.

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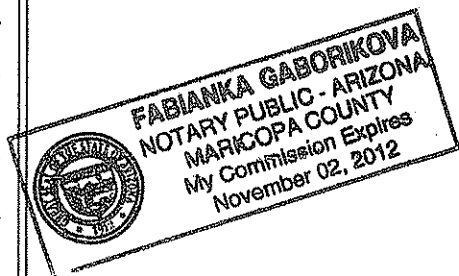
26 ...

1 ACCEPTED AND AGREED BY RESPONDENT

2
3 Jami Pitts
Jami Pitts

Dated: 12/8/10

4 Subscribed and sworn to before me in the County of Maricopa, State of Arizona,
5 this 8 day of December, 2010, by Jami Pitts.



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11 [Signature]
NOTARY PUBLIC

My Commission expires: 11/17/2012

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FINDINGS OF FACT

1. The Board is the duly constituted authority for licensing and regulating the practice of pharmacy in the State of Arizona.

2. Respondent is the holder of license number S016776 to practice as a pharmacist in the State of Arizona.

3. On August 24, 2009, Respondent signed a five-year contract with Pharmacists Assisting Pharmacists of Arizona ("PAPA"). The PAPA Contract required, among other things that Respondent completely abstain from mood-altering drugs except on prescription from his family physician after consultation with PAPA. The PAPA Contract also required that Respondent submit to random urine drug screens.

4. On August 10, August 19, August 31, and September 7, 2010, Respondent was a "no show" for urine drug screens. A drug screen performed on September 1, 2010, came back as overhydrated.

6. On August 24, 2010, Respondent tested positive for hydrocodone and hydromorphone. While these positive test results were consistent with a prescription received by Respondent from an urgent care on August 19, 2010, it was a violation of the

1 PAPA Contract because the Vicodin prescription was not received from Respondent's
2 family physician after consultation with PAPA.

3 CONCLUSIONS OF LAW

4 1. The Board possesses jurisdiction over the subject matter and over
5 Respondent pursuant to A.R.S. § 32-1901 *et seq.*

6 2. Pursuant to A.R.S. § 32-1927(A)(1), the Board may discipline a pharmacist
7 who has engaged in unprofessional conduct.

8 3. The conduct and circumstances described above constitutes unprofessional
9 conduct pursuant to A.R.S. § 32-1901.01(B)(1) (Addiction to the use of alcohol or other
10 drugs to such a degree as to render the licensee unfit to practice the profession of
11 pharmacy).

12 ORDER

13 Based upon the above Findings of Fact and Conclusions of Law,

14 IT IS HEREBY ORDERED THAT License No. S016776, which was issued to
15 Jami Pitts to practice as a pharmacist in the State of Arizona, is hereby placed on
16 **PROBATION**. Respondent's probation is subject to the following conditions:

17 A. No sooner than five (5) years from the beginning of Respondent's
18 probationary period, Respondent shall request in writing that the Board terminate
19 his probation. Respondent's request for termination will be considered at the
20 Board's next regularly scheduled Board meeting. Respondent is required to
21 personally appear at that Board meeting. Respondent's probationary period will
22 continue until Respondent's request for termination is received and the Board
23 terminates the probation.

24 B. Within 10 days of the effective date of this Consent Agreement,
25 Respondent shall sign a new contract with PAPA which shall extend for the
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1 entire term of the probation under this Consent Agreement. Respondent shall
2 abide by each and every requirement of the new PAPA contract. Failure to
3 participate in the PAPA program, to successfully complete the PAPA program, or
4 to abide by the PAPA contract's terms is a violation of this Order.

5 C. Respondent shall furnish all pharmacy employers with a copy of this
6 Consent Agreement. Respondent shall ensure that all pharmacy employers submit
7 to the Board a written acknowledgement that they have received a copy of this
8 Consent Agreement within ten (10) days of entering into an employment
9 relationship with Respondent.

10 D. Respondent shall not serve as a preceptor pharmacist or pharmacist
11 in charge.

12 E. Respondent shall advise the Board in writing within ten (10) days of
13 any change in pharmacy employment status.

14 F. Within five (5) years from the beginning of Respondent's
15 probationary period, Respondent shall complete 400 hours of community service
16 approved by Board staff. Respondent shall ensure that all entities to which she
17 provides community service verify in writing to the Board the number of hours
18 completed within 30 days of completing the community service.

19 3. Respondent shall pay all necessary fees and complete all continuing
20 education requirements throughout the term of the probation.

21 4. Throughout the term of Respondent's probation, Respondent shall
22 personally appear before the Board when requested to do so by the Board or Board staff.

23 5. Respondent shall furnish the Board with a list of all jurisdictions in which
24 she maintains or has maintained licensure in the profession of pharmacy along with the
25 registration numbers of said licenses.

6. Respondent shall obey all federal and state laws and rules governing the practice of pharmacy.

7. Respondent shall execute all appropriate release of information forms to permit the Respondent's treatment professionals and PAPA to communicate with the Board and forward information regarding Respondent's treatment directly to the Board.

8. Respondent shall pay all costs associated with complying with this Consent Agreement, including all expenses associated with PAPA.

9. If Respondent violates this Order in any way or fails to fulfill the requirements of this Order, the Board, after giving the Respondent notice and the opportunity to be heard, may revoke, suspend or take other disciplinary actions against Respondent's license. The issue at such a hearing will be limited solely to whether this Order has been violated

1 ORIGINAL OF THE FORGOING FILED
this 28 day of July, 2011

2 Arizona State Board of Pharmac,
3 1700 West Washington, Suite 250
4 Phoenix, Arizona 85007

5 EXECUTED COPY OF THE FOREGOING MAILED
BY FIRST-CLASS and CERTIFIED MAIL
this 28 day of July, 2011

6 Jami Pitts
7 9565 N. 82nd Ave.
8 Peoria, Arizona 85345
Respondent

9 EXECUTED COPY OF THE FOREGOING MAILED
this 29 day of July, 2011

10 Teresa M. Sanzio
11 Law Office of Teresa M. Sanzio, P.C.
12 428 E. Thunderbird Road, #238
13 Phoenix, AZ 85022
Attorney for Respondent

14 Elizabeth A. Campbell
15 Assistant Attorney General
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16 Phoenix, Arizona 85007
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